

**RESOLUTION GRANTING THIRD ROUND SUBSTANTIVE CERTIFICATION #09-53**

**Englishtown Borough, Monmouth County**

WHEREAS, Englishtown Borough, Monmouth County, petitioned the Council on Affordable Housing (COAH) for third round substantive certification of a Housing Element and Fair Share Plan addressing its total 1987-2018 affordable housing obligation on December 30, 2008; and

WHEREAS, COAH staff issued a Report Requesting Additional Information on June 3, 2009; and

WHEREAS, pursuant to N.J.A.C. 5:97-3.4(b), Englishtown re-petitioned by motion with a minor technical amendment to its Housing and Fair Share Plan on September 25, 2009; and

WHEREAS, Englishtown's re-petition was deemed complete on October 6, 2009; and

WHEREAS, no objections to the plan were received by COAH during the 20-day response period; and

WHEREAS, Englishtown requested an adjustment to its rehabilitation share number and provided a survey of the municipal housing stock; and

WHEREAS, upon review of the municipal survey, COAH has determined that it satisfies the requirements of N.J.A.C. 5:97-6.2(a) and warrants a modification of the rehabilitation share to seven units; and

WHEREAS, Englishtown Borough's fair share plan addresses its rehabilitation obligation of seven units, a 37-unit prior round obligation, and a 27-unit net projected growth share obligation; and

WHEREAS, Englishtown Borough's plan proposes to address its seven-unit rehabilitation obligation with a seven-unit rehabilitation program with Monmouth County; and

WHEREAS, Englishtown Borough's plan proposes to address its 37-unit prior round obligation with seven post-1986 credits for built units in the Oxford Crossing (Traditions) inclusionary development, six post-1986 credits and six rental bonuses for a six-bedroom group home, and eight Assisted Living Facility post-1986 credits, for a total of 27 credits and bonuses; and

WHEREAS, Englishtown Borough's plan proposes to address its remaining 10-unit prior round obligation with seven family rental units in the proposed Dorchester inclusionary development, for which the Township is requesting three rental bonuses; and

WHEREAS, Englishtown Borough's plan proposes to address its 27-unit projected growth share obligation with the remaining three Assisted Living Facility post-1986 credits, for a total of three credits; and

WHEREAS, Englishtown Borough's plan proposes to address its remaining 24-unit projected growth share obligation with the remaining 14 family rental units in the proposed Dorchester inclusionary development, for which the Township is requesting seven rental bonuses, and a proposed four-bedroom group home; and

WHEREAS, pursuant to N.J.A.C. 5:97-3.2(a)4, Englishtown has provided an implementation schedule that sets forth a detailed timetable demonstrating a realistic opportunity as defined under N.J.A.C. 5:97-1.4 and a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.10 for the proposed group home; and

WHEREAS, pursuant to N.J.A.C. 5:96-6.2(a)2, on November 18, 2009, COAH issued a Compliance Report (attached as Exhibit A and incorporated by reference herein) recommending approval of Englishtown Borough's petition for third round substantive certification; and

WHEREAS, there was a 14-day period to submit comments to the COAH Compliance Report pursuant to N.J.A.C. 5:96-6.2(b) and COAH received no comments.

NOW THEREFORE BE IT RESOLVED that the Housing Element and Fair Share Plan submitted by Englishtown Borough comports to the standards set forth at N.J.S.A. 52:27D-314 and meets the criteria for third round substantive certification pursuant to N.J.A.C. 5:96-6.3; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.3(a) and after having reviewed and considered all of the above, COAH hereby grants third round substantive certification to Englishtown Borough; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.3(e), Englishtown Borough shall adopt all implementing Fair Share Ordinances within 45 days of the grant of substantive certification; and

BE IT FURTHER RESOLVED that if Englishtown Borough fails to timely adopt its Fair Share Ordinances, COAH's grant of substantive certification shall be void and of no force and effect; and

BE IT FURTHER RESOLVED that Englishtown shall submit all Fair Share Ordinances to COAH upon adoption; and

BE IT FURTHER RESOLVED that the agreement for the administration of the rehabilitation program between Monmouth County and Englishtown must be executed within 45 days after the grant of substantive certification and submitted to COAH; and

BE IT FURTHER RESOLVED that Englishtown shall comply with COAH monitoring requirements as set forth in N.J.A.C. 5:96-11, including reporting Englishtown's actual growth pursuant to N.J.A.C. 5:97-2.5; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-10.1, COAH shall conduct biennial plan evaluations upon substantive certification of Englishtown's Housing Element and Fair Share Plan to verify that the construction or provision of affordable housing has been in proportion to the actual residential growth and employment growth in the municipality and to determine that the mechanisms addressing the projected growth share obligation continue to present a realistic opportunity for the creation of affordable housing; and

BE IT FURTHER RESOLVED that if upon any biennial review the difference between the number of affordable units constructed or provided in Englishtown and the number of units required pursuant to N.J.A.C. 5:97-2.5 results in a prorated production shortage of 10 percent or greater, the Borough is not adhering to its implementation schedule pursuant to N.J.A.C. 5:97-3.2(a)4, or the mechanisms addressing the projected growth share obligation no longer present a realistic opportunity for the creation of affordable housing, COAH may direct Englishtown Borough to amend its plan to address the shortfall; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:97-2.5(e), if the actual growth share obligation determined is less than the projected growth share obligation, Englishtown shall continue to provide a realistic opportunity for affordable housing to address the projected growth share; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.3(b), Englishtown's substantive certification shall remain in effect until December 30, 2018; and

BE IT FURTHER RESOLVED that any changes to the facts upon which this substantive certification is based or any deviations from the terms and conditions of this substantive certification which affect the ability of Englishtown Borough to provide for the realistic

opportunity of its fair share of low and moderate income housing and which the Borough fails to remedy, may render this certification null and void.

I hereby certify that this resolution was  
duly adopted by the Council on Affordable  
Housing at its public meeting on December 9, 2009

A handwritten signature in black ink, reading "Renee Reiss". The signature is written in a cursive, flowing style with large loops and a prominent initial "R".

Renee Reiss, Secretary  
Council on Affordable Housing



***Council on Affordable Housing  
Compliance Report  
November 18, 2009***



**Municipality:** Englishtown Borough  
**County:** Monmouth

**COAH Region:** 4  
**Planning Area:** 2  
**Special Resource Area:** None

**Original Petition for 3<sup>rd</sup> Round Substantive Certification:** December 30, 2008

**Amended Housing Element and Fair Share Plan Adopted:** September 23, 2009  
**Re-petition by Motion:** September 25, 2009  
**Completeness Determination:** October 6, 2009  
**End of 20-day response period:** November 10, 2009  
**Objections Received:** No

**Petition Includes:**

**VLA:** No  
**GPA:** No  
**Waiver:** No

**Date of Site Visit:** May 22, 2009

**History of Approvals:**

	<b>COAH</b>	<b>JOC</b>	<b>N/A</b>
<b>First Round:</b>			X
<b>Second Round:</b>		1/27/2003	
<b>Extended Certification:</b>			X

**Plan Preparer:** Marcia R. Shiffman, P.P., AICP & Darlene Jay, P.P., AICP -  
Maser Consulting

**Municipal Housing Liaison:** Celia Hecht

**Recommendation:** Grant Substantive Certification

**SUMMARY OF FAIR SHARE OBLIGATION**

Rehabilitation Share	7
Prior Round Obligation	37
Projected Growth Share Obligation (Net)	27

**ACTUAL GROWTH and GROWTH SHARE through September 30, 2008<sup>1</sup>**

Res Units (#)	Actual Res Growth Share	Jobs (#)	Actual Non-Res Growth Share	Actual TOTAL Growth Share
36	7.2 units	83	5.2 units	12 units

**COMPLIANCE PLAN SUMMARY**

Obligation	Credit/ Mechanism Type	# Units Completed	# Units Proposed	TOTAL
<b>Rehabilitation: 7 units</b>				
<b>Program(s)</b>	County Program		7	7
<b>Rehabilitation Subtotal</b>				<b>7</b>
<b>NEW CONSTRUCTION:</b>				
<b>Prior Round: 37 units</b>				
<b>Credits</b>	Post-1986	21		21
<b>Proposed Mechanism(s)</b>	Inclusionary Zoning		7	7
<b>Prior Round Bonus(es)</b>	Rental	6	3	9
<b>Prior Round Subtotal</b>				<b>37</b>
<b>Growth Share: 27 units</b>				
<b>Credits</b>	Post-1986	3		3
<b>Proposed Mechanism(s)</b>	Inclusionary Zoning		14	14
	Supportive/Special Needs Housing		3	3
<b>Growth Share Bonus(es)</b>	Rental		7	7
<b>Growth Share Subtotal</b>				<b>27</b>

<sup>1</sup> This growth share number does not take into account allowable exclusions permitted under N.J.A.C. 5:97-2.4; therefore, the actual growth share may vary.

## **I. HOUSING ELEMENT**

Pursuant to N.J.S.A. 40:55D-28(b), the Housing Element is a required section of the Municipal Master Plan. The Housing Element must be designed to achieve the goal of access to affordable housing to meet existing and future housing needs, with special attention given to low- and moderate-income households. The housing needs analysis must include demographic information on existing and projected housing stock and employment characteristics, a quantification of low- and moderate-income housing need, and a consideration of the lands within the municipality that are most appropriate to accommodate such housing. Englishtown's Housing Element includes sufficient information regarding housing stock, demographic and employment characteristics and population trends pursuant to N.J.S.A. 52:27D-310.

Under N.J.A.C. 5:97-2.1(b), the Housing Element must also set forth the municipality's fair share obligation, which is the sum of the rehabilitation share, the prior round obligation and the growth share.

### **A. Rehabilitation Share**

The rehabilitation share is the number of existing housing units within a municipality as of April 1, 2000, that are both deficient and occupied by households of low or moderate income. As indicated in Appendix B of N.J.A.C. 5:97, Englishtown has a rehabilitation share of 26 units. However, Englishtown has provided a survey of the municipal housing stock indicating that the rehabilitation share number should be reduced. Upon review of the municipal survey, COAH has determined that it satisfies the requirements of N.J.A.C. 5:97-6.2(a) and warrants a modification of the rehabilitation share to seven units.

### **B. Prior Round Obligation**

The prior round obligation is the cumulative 1987-1999 new construction obligation provided in Appendix C of N.J.A.C. 5:97. Englishtown has a prior round obligation of 65. However, in a memo dated September 18, 1995, COAH granted the Borough an employment adjustment of 28 units that resulted in a reduced prior round obligation of 37 units.



### C. Projected Growth Share

The projected growth share is initially calculated based on household (residential) and employment (non-residential) growth projections for 2004 through 2018. Pursuant to Appendix F of N.J.A.C. 5:97, Englishtown has a residential growth projection of 90 units and a non-residential growth projection of 400 jobs, which results in an initial projected growth share obligation of 43 affordable units. However, after subtracting the allowable exclusions itemized in Worksheet A (Attachment 1), the Borough's residential growth projection is reduced to eight total units. Therefore, the Borough's total projected growth share for the period 1999-2018 is 27 affordable units consisting of a 1.66-unit projected residential growth share and a projected non-residential growth share of 25.<sup>2</sup>

#### SUMMARY OF FAIR SHARE OBLIGATION

Rehabilitation Share	7
Prior Round Obligation	37
Projected Growth Share Obligation (Net)	27

## II. FAIR SHARE PLAN

A Fair Share Plan, as required under N.J.A.C. 5:97-3.1, describes the completed or proposed mechanisms and funding sources, if applicable, that will be utilized to specifically address a municipality's rehabilitation share, prior round obligation, and growth share obligation and includes the draft ordinances necessary to implement that plan. Affordable housing must be provided in direct proportion to the growth share obligation generated by the actual growth.

Englishtown's Fair Share Plan, and the supporting documentation incorporated by reference therein, address the requirements of N.J.A.C. 5:97-3.1 as follows:

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<sup>2</sup> The Borough's net residential growth projection of 8 units is divided by 5 to yield a growth share of 1.67 units and the nonresidential projection of 400 jobs is divided by 16 to yield a growth share of 25 units. The Borough's total projected growth share is therefore 27 units (1.6 + 25).

**A. Plan to Address Rehabilitation Share**

**Rehabilitation Share Credits**

Englishtown's Housing Element and Fair Share Plan does not include a request for rehabilitation credit.

**Proposed Rehabilitation Program(s)**

***Monmouth County Rehabilitation Program***

Englishtown's plan proposes to utilize Monmouth County's Community Development Program to address its seven-unit rehabilitation obligation. Englishtown has provided a draft service agreement with the county for the administration of the program. The service agreement must be executed within 45 days of substantive certification. The rehabilitation program will adhere to the regulations in N.J.A.C. 5:97-6.2, including having the program available to both owner-occupied and renter-occupied units. Englishtown has also provided the county's operating manual and an affirmative marketing plan. Monmouth County is currently in the process of updating its procedural manual to include rehabilitation of rental units. The manual must be submitted to COAH once it is updated.

Englishtown will fund the program through its affordable housing trust fund and will bond for any shortfall. In addition, the Borough will seek grants to help offset the cost of the program. The Borough has a spending plan and a resolution of intent to bond in the event of a shortfall in funding that was adopted on September 23, 2009. The Borough has provided an implementation schedule for the rehabilitation program that provides sufficient dollars to fund no less than half of the municipal rehabilitation component by the mid-point of the substantive certification period. **[7-unit rehabilitation program]**

**Proposed Rehabilitation Program**

<b>Rehabilitation Program</b>	<b># Units</b>
County Rehab Program	7
<b>TOTAL</b>	<b>7</b>

**B. Plan to Address Prior Round Obligation**

**Prior Round Obligation Credits**

Englishtown is addressing a portion of the 37-unit prior round obligation with 21 post-1986 credits and six rental bonuses. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

**Post-1986 Credits**

<b>Project/Development Name</b>	<b>Year</b>	<b>Type of Affordable Unit</b>	<b># Units/Bedrooms</b>	<b>Bonus Type</b>	<b># Bonuses</b>	<b>Total Units/Bedrooms + Bonuses</b>
Oxford Crossing (Traditions) inclusionary development	2008	Family For-sale	7	-	-	7
Opportunity Knocks group home	2003	Supportive/Special Needs	6	Rental	6	12
Brandywine at Governor's Crossing	2006	Assisted Living Facility	8	-	-	8
<b>TOTALS</b>			<b>21</b>		<b>6</b>	<b>27</b>

***Brandywine at Governor's Crossing credits***

Brandywine at Governor's Crossing, located at 49 LaSatta Avenue received its initial license on December 1, 2006. The Borough indicates that the facility has a total of 110 beds in 69 apartments and that 10 percent of the beds (11 beds) are reserved for Medicaid recipients, pursuant to P.L. 2001, c. 234 (N.J.S.A. 26:2H-12.18). Englishtown is requesting that eight of the beds be used to address the Borough's prior round obligation and the remaining three beds be used to address the growth share obligation. Pursuant to N.J.S.A. 26:2H-12.18, Englishtown is eligible to receive credit by the bed. Therefore, Englishtown is eligible for credit for 11 beds in the facility.

**Proposed Affordable Housing Mechanisms**

Englishtown proposes to address the remaining 10-unit prior round obligation through the following mechanisms:

***Dorchester Square Inclusionary***

Dorchester Square was included in Englishtown's 2003 judgment of compliance as a result of litigation. Under the September 25, 2002 settlement agreement, a total of 134 units are permitted on this site including a 15 percent set-aside for 21 affordable family rental units. The Borough entered into an additional settlement agreement with the owner of the property, Elon Associates, LLC on March 26, 2009, which provided that the Borough enter into a Water Service Agreement with Gordon's Corner Water Company for a minimum purchase of 50,000 gallons per day (GPD) of water for a ten year period to service the inclusionary development. In return, Elon withdrew its objection from the Borough's third round Housing Element and Fair Share Plan.

Pursuant to N.J.A.C. 5:97-3.13, the Borough indicates that the portion of the site that will be developed is suitable. The site is located at 811 Amboy Road in the Residential, High Density/Affordable Housing Zone (R-HD/AH) (Block 26, Lots 1 & 7). The Borough has submitted the adopted zoning ordinance, which was adopted by the Borough planning board on September 17, 2002.

The development has 600 feet of frontage along LaSatta Avenue. The site is located in Planning Area 2 and surrounded by residential and commercial uses and open space. The property is 17.09 acres. The Borough indicates that 7.1 acres are wetlands. In addition, there is a stream that runs through the southeast corner of the two lots, which is within the wetlands area. A GIS analysis also shows a floodzone area also within the wetlands area. Based on the above, the Borough indicates that there are 9.99 acres of developable land. The development will be served by public water and sewer.

The affordable units must meet the requirements of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-1 et seq.) with regard to controls on affordability, affirmative marketing, rental pricing, low/moderate split and bedroom distribution. Prior to marketing the affordable units, Englishtown must submit the required items pursuant to N.J.A.C. 5:97-6.4(k).

Englishtown is requesting that seven of the 21 family rental units be used to address the prior round obligation and the remaining 14 units be used to address the growth share obligation. The Borough is also requesting three rental bonuses for the prior round. The developer's

agreement confirms that rental units will be developed on-site. **[7 family rental units & 3 rental bonuses]**

**Proposed Prior Round Affordable Housing Mechanisms**

Type/Name of Affordable Housing Mechanism	Type of Affordable Unit	# Units/Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Dorchester Square Inclusionary	Family Rental	7	Rental	3	10
<b>TOTALS</b>		<b>7</b>		<b>3</b>	<b>10</b>

**Prior Round Obligation Parameters**

Englishtown has satisfied the applicable Prior Round parameters as follows:

**Prior Round Rental Obligation:<sup>3</sup> 9 Units**

Development/Project Name	Type of Affordable Unit	# Units
Opportunity Knocks group home	Supportive/Special Needs	6
Brandywine Assisted Living	Assisted Living Facility	8
Dorchester Square Inclusionary	Family Rental	7
<b>TOTAL</b>		<b>21</b>

**Prior Round Age-Restricted Maximum:<sup>4</sup> 11 Units**

Development/Project Name	Type of Affordable Unit	# Units
Brandywine Assisted Living	Assisted Living Facility	8
<b>TOTAL</b>		<b>8</b>

<sup>3</sup> Rental Obligation: 25 (Prior Round Obligation-Prior Cycle Credits) or .25(37-0) = 9.25 or 9 N.J.A.C. 5.97-3.10(b)1

<sup>4</sup> Age-Restricted Maximum: .25 (Prior Round Obligation + Rehabilitation Share - Prior Cycle Credits - Rehabilitation Credits - Transferred RCA Units Addressing the Prior Round Obligation) or .25(37+7-0-0) = 11 units. N.J.A.C. 5:97-3.10(c)1.

**Prior Round Rental Bonus Maximum<sup>5</sup> : 9 Units**

<b>Development/Project Name</b>	<b>Type of Bonus</b>	<b># Bonuses</b>
Opportunity Knocks group home	Rental	6
Dorchester Square Inclusionary	Rental	3
<b>TOTAL</b>		<b>9</b>

**C. Plan to Address Projected Growth Share**

**Growth Share Obligation Credits**

Englishtown is addressing three units of the 27-unit projected growth share obligation with three units of credit. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

**Post-1986 Credits**

<b>Project/Development Name</b>	<b>Year Built or Approved</b>	<b>Type of Affordable Unit</b>	<b># Units/Bedrooms</b>	<b>Bonus Type</b>	<b># Bonuses</b>	<b>Total Units/Bedrooms + Bonuses</b>
Brandywine at Governor's Crossing	2006	Assisted Living Facility	3	-	-	<b>3</b>
<b>TOTALS</b>			<b>3</b>		-	<b>3</b>

**Proposed Affordable Housing Mechanisms**

Englishtown proposes to address the remaining 24-unit projected growth share obligation through the mechanisms described below:

***Dorchester Square Inclusionary***

As described above under Section II, Part B, of this report, Englishtown is requesting that seven of the 21 family rental units at Dorchester Square be used to address the prior round obligation and the remaining 14 units be used to address the growth share obligation. The

<sup>5</sup> No rental bonuses shall be granted for rental units in excess of the prior round rental obligation, therefore, PR Rental Bonus Maximum = PR Rental Obligation N.J.A.C. 5:97-3.5

Borough is also requesting seven rental bonuses for the growth share obligation. **[14 family rental units & 7 rental bonuses]**

***Supportive and Special Needs Housing***

Pursuant to N.J.A.C. 5:97-6.10, Englishtown is proposing to create a three-bedroom group home in an existing home in cooperation with a nonprofit provider known as Declarations or another nonprofit provider. The Borough indicates that Declarations is in the process of finding an existing home and applying for financing through HMFA.

Pursuant to N.J.A.C. 5:97-3.2(a)4, the Borough has provided an implementation schedule that sets forth a detailed timetable that demonstrates a realistic opportunity as defined under N.J.A.C. 5:97-1.4 and a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.10. The Borough's mechanism checklist form includes a timetable for each step of the development process in accordance with N.J.A.C. 5:97-6.10(e), with certificates of occupancy being issued in May 2012. Englishtown anticipates locating and acquiring a home for conversion by December 2010. Prior to marketing the affordable units, Englishtown must submit the required items pursuant to N.J.A.C. 5:97-6.10(f). **[3 Special Needs bedrooms]**

**Proposed Growth Share Affordable Housing Mechanisms**

<b>Type/Name of Affordable Housing Mechanism</b>	<b>Type of Affordable Unit</b>	<b># Units/Bedrooms</b>	<b>Bonus Type</b>	<b># Bonuses</b>	<b>Total Units/Bedrooms + Bonuses</b>
Dorchester Square Inclusionary Development	Family Rental	14	Rental	7	<b>21</b>
Future Group Home	Supportive/ Special Needs	3	-	-	<b>3</b>
<b>TOTALS</b>		<b>17</b>		<b>7</b>	<b>24</b>

### **Growth Share Parameters**

Englishtown's applicable Growth Share parameters are as follows:

#### **Growth Share Rental Obligation:<sup>6</sup> 7 Units**

<b>Development/Project Name</b>	<b>Type of Affordable Unit</b>	<b># Units</b>
Dorchester Square Inclusionary (out of 14 units)	Family Rental	7
Group Home	Supportive/ Special Needs	3
<b>TOTAL</b>		<b>10</b>

#### **Growth Share Family Rental Requirement:<sup>7</sup> 4 Units**

<b>Development/Project Name</b>	<b>Type of Affordable Unit</b>	<b># Units</b>
Dorchester Square Inclusionary	Family Rental	14
<b>TOTAL</b>		<b>14</b>

#### **Growth Share Minimum Family Requirement:<sup>8</sup> 10 Units**

<b>Development/Project Name</b>	<b>Type of Affordable Unit</b>	<b># Units</b>
Dorchester Square Inclusionary	Family Rental	14
<b>TOTAL</b>		<b>14</b>

<sup>6</sup> Projected Growth Share Rental Obligation:  $.25(\text{Projected Growth Share})$  or  $.25(27) = 6.75$  or 7 units N.J.A.C. 5:97-3.10(b)3

<sup>7</sup> Projected Growth Share Family Rental Requirement:  $.5(\text{Projected Growth Share Rental Requirement})$  or  $.5(7) = 3.5$  or 4 units N.J.A.C. 5:97-3.4(b)

<sup>8</sup> Projected Growth Share Family Requirement:  $.5(\text{Units Addressing the Growth Share Obligation})$  or  $.5(20) = 10$  or 13 units N.J.A.C. 5:97-3.9



**Very Low Income Minimum Requirement:<sup>9</sup> 3 Units**

Development/Project Name	Type of Affordable Unit	# Units
Dorchester Square Inclusionary	Family Rental	2
Group Home	Supportive/ Special Needs	2
<b>TOTAL</b>		<b>4</b>

**Age-Restricted Maximum:<sup>10</sup> 6 Units**

Development/Project Name	Type of Affordable Unit	# Units
Brandywine at Governor's Crossing	Assisted Living Facility	3
<b>TOTAL</b>		<b>3</b>

**Bonus Maximum:<sup>11</sup> 7 Bonuses**

Development/Project Name	Type of Bonus	# Bonuses
Dorchester Square Inclusionary	Rental	7
<b>TOTAL</b>		<b>7</b>

**Actual Growth Share Obligation**

The actual growth share obligation will be based on permanent certificates of occupancy issued within the municipality for market-rate residential units and newly constructed or expanded non-residential developments in accordance with Appendix D of N.J.A.C. 5:97. At plan evaluation review pursuant to N.J.A.C. 5:96-10, COAH will compare the actual growth share obligation with the actual number of affordable units constructed.

The New Jersey Department of Community Affairs (NJ DCA) *Construction Reporter*

<sup>9</sup> Growth Share Very Low Income Requirement:  $.13(\text{Units Addressing the Growth Share Obligation})$  or  $.13(20) = 2.6$  or 3 units N.J.S.A. 52:27D-329.1

<sup>10</sup> Projected Growth Share Age Restricted Maximum:  $.25(\text{Projected Growth Share})$  or  $.25(27) = 6.75$  or 6 units N.J.A.C. 5:97-3.10(c)2

<sup>11</sup> Projected Bonus Maximum:  $.25(\text{Projected Growth Share})$  or  $.25(27) = 6.75$  or 7 units N.J.A.C. 5:97-3.20

indicates that between January 1, 2004 and September 2008, Englishtown issued certificates of occupancy for 36 housing units and for the non-residential square footage equivalent of 83 jobs, yielding an actual growth share obligation through September 30, 2008, of 12 affordable units.<sup>12</sup>

**D. Summary of Plan to Address Fair Share Obligation**

**REHABILITATION SHARE SUMMARY**  
**Rehabilitation Share: 7 Units**

Program Name	# Units
County Rehab Program	7
<b>TOTAL</b>	<b>7</b>

**PRIOR ROUND SUMMARY**  
**Prior Round Obligation: 37 Units**

	Name of Mechanism	# Units/ Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
<b>Prior Cycle Credits</b>	N/A	-			-
<b>Post-1986 Credits</b>	Oxford Crossing inclusionary	7	-	-	7
	Opportunity Knocks group home	6	Rental	6	12
	Brandywine at Governor's Crossing	8	-	-	8
<b>Subtotal</b>		<b>21</b>		<b>6</b>	<b>27</b>
<b>Proposed Mechanisms</b>	Dorchester Square Inclusionary	7	Rental	3	10
<b>Subtotal</b>		<b>7</b>		<b>3</b>	<b>10</b>
<b>TOTAL</b>					<b>37</b>

<sup>12</sup> The number of residential COs (36) is initially divided by 5 to yield 7.2 units and the number of jobs (83) is initially divided by 16 to yield 5.2 units. Englishtown's total actual growth share is therefore 12 units (7.2 + 5.2). **Note:** This number does not take into account allowable exclusions permitted under N.J.A.C. 5:97-2.4; therefore, the actual growth share may vary.

**GROWTH SHARE SUMMARY**  
**Projected Growth Share Obligation: 27 Units**

	<b>Name of Mechanism</b>	<b># Units/Bedrooms</b>	<b>Bonus Type</b>	<b># Bonuses</b>	<b>Total Units/Bedrooms + Bonuses</b>
<b>Prior Cycle Credits</b>	<i>N/A</i>	-			-
<b>Post-1986 Credits</b>	Brandywine at Governor's Crossing	3	-	-	<b>3</b>
<b>Subtotal</b>		3		-	<b>3</b>
<b>Proposed Mechanisms</b>	Dorchester Square Inclusionary	14	Rental	7	<b>21</b>
	Group Home	3	-	-	<b>3</b>
<b>Subtotal</b>		17		7	<b>24</b>
<b>TOTAL</b>					<b>27</b>

### **III. FAIR SHARE DOCUMENT REVIEW**

#### **A. Development Fee Ordinance**

COAH's records indicate that Englishtown adopted a development fee ordinance on November 8, 2006. However, the Borough has not collected any development fees since its adoption. The Borough submitted a development fee ordinance for COAH's review and approval with its third round re-petition, which was approved by COAH on November 10, 2009. The ordinance must be adopted within 45 days of substantive certification.

#### **B. Third Round Spending Plan**

Englishtown does not have a prior round spending plan. A third round spending plan was submitted by Englishtown with the Borough's third round re-petition for COAH's review and approval. The spending plan will be reviewed by COAH in a separate report.

#### **C. Affordable Housing Ordinance/Affordable Housing Administration**

Englishtown has submitted a draft affordable housing ordinance that comports with the requirements of the UHAC, which was amended on December 20, 2004, including compliance

with the barrier free subcode of the State Uniform Construction Code Act (N.J.S.A. 52:27D-119 et seq.) and the accessibility requirements of N.J.S.A. 52:27D-123.15. The draft ordinance must be adopted within 45 days of COAH's grant of substantive certification and submitted to COAH immediately upon adoption.

An ordinance establishing the position of a municipal housing liaison was adopted by the Borough on June 11, 2008, and a resolution appointing a municipal housing liaison was adopted by the Borough on September 10, 2008.

Englishtown is responsible for the continued re-sale and re-rental of existing affordable units and the initial sale and rental of newly constructed affordable units within the Borough and must identify an experienced administrative entity for that purpose by contract, agreement or letter. Englishtown has an existing contract with the Housing Affordability Service (HAS) for the administration of all its affordable units.

#### **D. Affirmative Marketing Plan**

Englishtown has submitted an affirmative marketing plan. The affirmative marketing plan will be reviewed for conformance with the requirements of the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., to ensure the units in the Borough's 1987-2018 Fair Share Plan and all future affordable housing units will be affirmatively marketed to the region upon initial sale/rental and re-sale/re-rental. Once approved by COAH, the affirmative marketing plan must be adopted by resolution by the Borough within 45 days of COAH's grant of substantive certification and submitted to COAH.

#### **IV. MONITORING**

Englishtown must comply with COAH monitoring requirements as set forth in N.J.A.C. 5:96-11, including reporting the municipality's actual growth pursuant to N.J.A.C. 5:97-2.5. As indicated above, credits for built units will be validated and verified by COAH staff during monitoring prior to the first biennial plan evaluation. It should be noted that credits for affordable housing programs and/or affordable units must be in compliance with N.J.A.C. 5:97-4. If the units are determined not to be eligible for credit, COAH will notify Englishtown in writing and the Borough may be directed to amend its certified plan to address the shortfall.

Pursuant to N.J.A.C. 5:96-10.1, COAH will conduct biennial plan evaluations upon substantive certification of Englishtown's Housing Element and Fair Share Plan. The purpose of the plan evaluation is to verify that the construction or provision of affordable housing has been in proportion to the actual residential growth and employment growth in the municipality and to determine that the mechanisms addressing the projected growth share obligation continue to present a realistic opportunity for the creation of affordable housing. If upon any biennial review the difference between the number of affordable units constructed or provided in Englishtown and the number of units required pursuant to N.J.A.C 5:97-2.5 results in a pro-rated production shortage of 10 percent or greater, Englishtown is not adhering to its implementation schedule pursuant to N.J.A.C. 5:97-3.2(a)4, or the mechanisms addressing the projected growth share obligation no longer present a realistic opportunity for the creation of affordable housing, the Council may direct the Borough to amend its plan to address the shortfall.

#### **V. RECOMMENDATION**

COAH staff recommends that Englishtown be granted third round substantive certification. Englishtown must adopt all necessary implementing ordinances within 45 days of the grant of substantive certification and submit certified copies of the adopted ordinances to COAH within seven days of the adoption. In addition, the agreement for the administration of the rehabilitation program between Monmouth County and Englishtown must be executed within 45 days after the grant of substantive certification and submitted to COAH.